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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF
AMERICA,

Plaintiff,

vs.

ERNEST BRIAN ALMONTE,
Defendant.

) Case No. SA 09-221-4

) **ORDER OF DETENTION**

I

- A. () On motion of the Government in a case allegedly involving:
1. () a crime of violence.
 2. () an offense with maximum sentence of life imprisonment or death.
 3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. () any felony - where defendant convicted of two or more prior offenses described above.
 5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive

1 device or any other dangerous weapon, or a failure to register under 18
2 U.S.C. § 2250.

3 B. (X) On motion by the Government/ () on Court's own motion, in a
4 case allegedly involving:

5 1. (X) a serious risk that the defendant will flee.

6 2. () a serious risk that the defendant will:

7 a. () obstruct or attempt to obstruct justice.

8 b. () threaten, injure or intimidate a prospective witness or
9 juror, or attempt to do so.

10 C. The Government () is/ (X) is not entitled to a rebuttable presumption that
11 no condition or combination of conditions will reasonably assure the
12 defendant's appearance as required and the safety of any person or the
13 community.

14 II

15 A. () The Court finds that no condition or combination of conditions
16 will reasonably assure:
17

18 1. (X) the appearance of the defendant as required.

19 () and/or

20 2. () the safety of any person or the community.

21 B. () The Court finds that the defendant has not rebutted by sufficient
22 evidence to the contrary the presumption provided by statute.

23 III

24 The Court has considered:
25

26 A. the nature and circumstances of the offense(s) charged, including
27 whether the offense is a crime of violence, a Federal crime of terrorism, or
28 involves a minor victim or a controlled substance, firearm, explosive, or

1 destructive device;

2 B. the weight of evidence against the defendant;

3 C. the history and characteristics of the defendant; and

4 D. the nature and seriousness of the danger to any person or the community.

5
6 IV

7 The Court also has considered all the evidence adduced at the hearing and the
8 arguments and/or statements of counsel, and the Pretrial Services
9 Report/recommendation.

10
11 V

12 The Court bases the foregoing finding(s) on the following:

13 A. () As to flight risk:

14 DEFENDANT HAS NO BAIL RESOURCES. THERE IS NO RECORD OF
15 EMPLOYMENT OVER THE PAST FIVE YEARS. DEFENDANT HAS A
16 SIGNIFICANT SUBSTANCE ABUSE HISTORY AND UNSTABLE RESIDENCE.

17 B. () As to danger:

18 _____
19 _____
20 _____
21 _____
22 _____
23 _____

24
25 VI

26 A. () The Court finds that a serious risk exists the defendant will:

27 1. () obstruct or attempt to obstruct justice.

28 2. () attempt to/ () threaten, injure or intimidate a witness or

1 juror.

2 B. The Court bases the foregoing finding(s) on the following:

3 _____
4 _____
5 _____

6
7 VI

8 A. IT IS THEREFORE ORDERED that the defendant be detained prior to
9 trial.

10 B. IT IS FURTHER ORDERED that the defendant be committed to the
11 custody of the Attorney General for confinement in a corrections facility
12 separate, to the extent practicable, from persons awaiting or serving sentences
13 or being held in custody pending appeal.

14 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
15 opportunity for private consultation with counsel.

16 D. IT IS FURTHER ORDERED that, on order of a Court of the United
17 States or on request of any attorney for the Government, the person in charge
18 of the corrections facility in which defendant is confined deliver the defendant
19 to a United States marshal for the purpose of an appearance in connection with
20 a court proceeding.

21
22 DATED: January 15, 2010



23
24 MARC L. GOLDMAN
25 UNITED STATES MAGISTRATE JUDGE
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